

APPENDIX A

Maricopa County Public Defense Daily Activity Log Instructions Manual

DAILY ACTIVITY LOG INSTRUCTIONS MANUAL

**MARICOPA COUNTY PUBLIC DEFENSE
CASE-WEIGHTING STUDY**

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I. INTRODUCTION

The Daily Activity Log, along with this instruction document, form the core of the workload time study for the Maricopa County indigent defense system. This instruction book will serve as the primary reference source for every public defense attorney participating in the twelve-week time study. It contains detailed explanations on how to accurately complete the Daily Activity Log and should help participating attorneys resolve any questions that arise during the study period.

The purpose of the study is to collect data necessary for developing a case-weighting system for all public defense and dependency attorneys practicing in Maricopa County. While statistics are kept on the total number of cases handled by public defenders each year, there is currently no ability to differentiate the amount of work required to complete cases of varying severity. The method currently used counts all cases -- whether, appeal, felony, misdemeanor, juvenile delinquency, dependency, mental health case, or post-judgment action -- the same way, despite their level of severity or complexity.

This counting system fails to accurately reflect the amount of time required to adequately represent clients in different types of cases. This system also fails to account for the time attorneys spend on activities that are essential to a public defender's role, such as traveling, waiting in court, or participating in training. Without an accurate method for measuring the time required to adequately handle caseload, it is difficult to project staffing needs and justify budget requests. The results of this study will make this much easier.

The methodology for this time study has been used successfully by courts, prosecutors and defenders in many areas of the country. Since 1989, The Spangenberg Group has conducted similar time studies for defenders in California, Colorado, New York City, Minnesota, Tennessee, and Wisconsin.

In February and March 2002, The Spangenberg Group met in Phoenix, Arizona with an advisory group of over thirty defenders with various levels of experience and areas of responsibility from the Public Defender, Legal Defender and Legal Advocate. The purpose of these meetings was to develop a daily activity log – or timesheet – that will be used for the time study and which reflects practice areas of key concern in Maricopa County. A smaller group of this advisory body then filled out the Daily Activity Log for three days (March 18-20). Following this pre-test, we consulted with the participating lawyers to further refine the Daily Activity Log and Instructions based upon their experience with the draft instrument.

The next step in the process was to select a random sample of attorneys from the three offices and all experience levels to conduct the actual time study. You have been selected as part of the sample and we greatly appreciate your willingness to participate.

Each attorney will be given an attorney identification number to ensure anonymity throughout the course of the study. Though Maricopa County officials and defender agency managers will have access

to aggregate time by various activities typically performed, individual attorney time sheets will not be made available to them.

At first glance, the process of coding and tracking your activities may appear to be confusing and, frankly, annoying. However, experience by participating defenders elsewhere has shown that after a few days the Daily Log is no longer imposing and should take no more than five-to-ten minutes to fill out each day.

The information recorded by individual attorneys on the Daily Activity Logs will be entered into a single database. To help us stay on top of the data entry, we ask that you send us your completed logs on a weekly basis. Please give the completed logs to the person in your office who has been designated to collect them and send them to us each week.

If you have any questions about coding your work, please e-mail Marea Beeman at mbeeman@spangenberggroup.com, Jennifer Riggs at jriggs@spangenberggroup.com, or phone them at (800) 338-5684. Alternatively, phone David Newhouse at (503) 891-9766 or send him an e-mail at dnewhouse@attbi.com.

Internet Option: Participants in the time study have the option of submitting their Daily Activity Logs electronically by entering their time and activities using a web-based version of the Log. The Internet version allows you to use drop-down menus to enter the different codes used in the Activity Log. Because the web-based log is designed for easy use and ensures that incompatible codes aren't being used, it is highly recommended that you use the Internet version to record your activities for at least the first several days of the study. If you find it is easier to use the Internet version than the paper version, you are welcome to use the Internet version to submit some portion or all of your time for the duration of the study.

Instructions for using the web version are posted at the site: <http://12.224.38.92/mtrax> . If you have any questions about it, call David Newhouse at (503) 572-9666 or send him an e-mail at dnewhouse@attbi.com.

The actual time study will begin on Wednesday, April 17 and will conclude Tuesday, July 9, 2002. A final report with analysis of the data and a set of case weights will be completed in September 2002.

II. THE DAILY ACTIVITY LOG INSTRUCTIONS

This section contains general instructions for completing the Daily Activity Log, the instrument used by participating attorneys to record their work activities each day. Detailed definitions of individual codes, and guidelines on how to use them appropriately, appear in subsequent chapters.

1. The Daily Activity Log

The Daily Activity Log is designed to enable attorneys participating in the study to record all of the work they perform each day during the study period. The Log is organized to collect several key pieces of information. It is crucial that each of these elements is recorded on the Log accurately throughout the time study.

Date: This is the date that the attorney is actually performing the work.

Attorney Identification Number: The Log calls for the entry of an attorney identification number that will be assigned to you at the beginning of the study. While assuring your anonymity, this will assist us in assuring that all required logs for the attorneys participating in the sample are complete.

Case Type and Activity Codes: These codes combine to identify exactly the type of work being performed by the attorney and the type of case on which he or she is working.

Disposition Code: The Log is designed to collect information regarding any final case dispositions obtained by the recording attorney.

Start Time and Stop Time: The attorney will record the clock times that he or she started and finished each activity.

2. Instructions For Completing the Daily Activity Log

This section contains the detailed recording instructions for filling out the Log.

2.1 Introduction to the Daily Activity Log

The Daily Activity Log is to be completed for each work day during the study period. It is designed to record all work activities that you perform during a single day, from the time you begin your first work-related activity until the final defender activity is completed. It does not matter whether that work is performed at home, in the office, in court, at a library, or at some other location. Activity codes are provided for every activity you perform, including breaks and other time away from work.

To allow us to properly analyze the time you spend on work-related activities, there are a few basic rules that must be remembered when filling out the Daily Activity Log:

- Date and Attorney Identification Numbers must be filled in on every Log sheet.
- When recording your time, there should be no “gap” in time on any line of the Daily Activity Log. For example, if work performed on one activity runs from 8:15 to 8:30, begin your next entry with 8:30, not 8:31.
- One Daily Activity Log must be completed and turned in for each day during the study period, excluding weekend days when no defender work is performed.
- In no event should a single Daily Activity Log ever be used to record activities performed on more than one date. Should you need additional space to record your activities for a single day, please use a second Daily Activity Log, record the date on both, and staple the pages together before submitting them. (The day is defined as ending at 12:00 midnight. Therefore, work that runs, for example, from 5:00 p.m. to 1:00 a.m. the next day should be recorded on two Daily Activity Logs.)
- Because the Daily Activity Log is designed to capture very detailed information about the work you perform, you should record your activities as you complete them, not at the end of the day.
- An adult criminal or juvenile delinquency “case” is defined as a single charge or set of charges arising from a single incident involving a single defendant/juvenile. A dependency “case” includes all actions stemming from an initial dependency petition, e.g., separate severance hearings involving a mother and her three children are all part of the same case.

The following pages contain specific instructions on how to complete the Daily Activity Log. Together with the case type and activity definitions and codes that have been provided to you, these instructions will enable you to record your work accurately.

Special Note to Contract Attorneys: For purposes of this study, contract attorneys will record time spent on contract cases only. When a contract attorney spends time on a retained case, that time is outside the scope of this study and must be recorded as Time Away From Work, Code 117. For days in which a contract attorney performs no work on contract cases, a time sheet should be submitted with the attorney number and one entry indicating 8 hours of time spent away from work (Codes 40 and 117).

2.2 Recording Identifying Information

The Daily Activity Log calls for certain identifying information that will enable the consultant team both to track study progress and to analyze the study results.

Box 1: Date

On each Daily Activity Log used, please enter the date that the work was performed.

Box 2: Attorney Number

It is critical that you enter on each Daily Activity Log used the attorney number assigned to you at the beginning of the study. This number will enable the consultant team to ensure that all Logs are being submitted each day, and will identify your office and experience level, information that is necessary for data analysis.

2.3 Recording Your Activities

Each row on the Log is designed to record a single activity. For each activity performed, you should make an entry in the columns labeled "Case Type Code," "Activity Code," "Start" and "Stop." The "Disposition Code" column will be completed only when the activity that you are recording resulted in a final disposition in your case.¹

Column 1: Case Type Code

Enter the code for the case type on which you are working in this space. These codes are listed on the back of the Daily Activity Log. There are specific codes for felonies, misdemeanors, juvenile delinquency cases, dependency and severance cases, mental health, appeals and other types of cases handled by attorneys in the trial offices (codes 1-39).

Prior, Dangerous, or On Probation/Parole cases: If you are working on a case that involves a prior or dangerous offense, or where the client is on probation or parole, please add a "P" after the case type code. (Please note that a dangerous offense also receives a "P", rather than a "D".)

Juvenile charged as adult: If your client is a juvenile that has been charged as an adult, please add a "J" after the case type code.

For example, if you are about to begin work on a Class 2-3 felony case and your client is a juvenile that has been charged as an adult, your case type code would be recorded as follows:

Case Type Code	Activity Code	Disposition Code	Start Time (Hours: Minutes)	Stop Time (Hours: Minutes)
4 J				

¹ This is not the case for dependency attorneys. For discussion of recording dependency dispositions, please see pages 13 and 31.

Note the inclusion of five codes for **Multiple Case Related Case Types**: Code 34, Multiple Case Related – Adult; Code 35, Multiple Case Related – Juvenile; Code 36, Multiple Case Related – Dependency; Code 37, Multiple Case Related – Mental Health, and Code 38, Multiple Case Related – Appeals. The use of these codes should be reserved for those situations where you are working on multiple types of cases in a given period of time for which it would be unrealistic for you to identify individually which types of cases you worked on. Typically, this is in a situation where you are handling a large volume of cases in a short period of time, such a series of short meetings with a number of clients in custody prior to arraignment or advisory. In such a situation, depending on whether you were working on juvenile or adult cases, you would use one of these case type codes and the appropriate coinciding activity code (e.g., Code 101, Client Related Contact).

Finally, there is a case type code for use with **Non-Case Related** activities (Code 40). This case type code is to be used for all activities performed that are not related to a case, and should be paired with activity codes in Section N: Non-Case Related Activities (Codes 115-119).

Column 2: Activity Code

Enter the code for the activity that you are performing. These codes (41-125) are listed on the back of the Daily Activity Log. If you are unsure of which code to use, consult the list of Activity Codes and Definitions provided in this manual.

You should record each individual activity occurrence on a separate row. *Please remember: record only one activity code for each entry.*

For example, say you spend 10 minutes talking to a social worker about a treatment placement for a client in a Felony DUI and then spend the next 15 minutes on the phone explaining the treatment option to your client. Record these activities on two separate lines of the Log.

CORRECT:

Case Type Code	Activity Code	Disposition Code	Start Time (Hours: Minutes)	Stop Time (Hours: Minutes)
5	104		10:15	10:25
5	101		10:25	10:40

WRONG:

Case Type Code	Activity Code	Disposition Code	Start Time (Hours: Minutes)	Stop Time (Hours: Minutes)
5	104, 101		10:15	10:40

It is recognized that different activities (or the same activity performed for different cases) may be of such short duration and be performed in such rapid succession that individual recording becomes impossible. Instructions for coding these situations follow.

X Out-Of-Court, Case-Related Activities

All out-of-court activities of a duration of **10 minutes or longer** should be recorded individually in one row.

For activities that are shorter than 10 minutes, the following guidelines apply:

- If a brief activity (less than 10 minutes in duration) interrupts a longer one, it need not be recorded separately. Rather, its time may be incorporated into the time recorded for the more time-consuming activity. For example, if you spend an hour preparing a motion and you are interrupted by a telephone call that pertains to another matter and lasts only 8 minutes, that time does not have to be recorded separately from the time for the motion.
- If a number of brief activities are completed in succession (for example, a series of telephone calls), they may all be recorded in one row, with a combined start and stop time. If all of the activities being recorded correspond to a specific activity code, then that activity code should be entered (e.g., Code 101, Client Related Contact). However, if there are different activities involved, enter Activity Code 125, Multiple, Short Activities.

Productive Waiting Time: Please be aware there are two ways to record time spent waiting for a case to be called or to see a client at a lock-up facility. If you spend your time simply waiting, use Code 111, Waiting in Court, or Code 112, Waiting at Jail/Correctional Facility, in conjunction with the appropriate case type code, as discussed below. If, however, you spend your waiting time working on another (or the same) case, enter the case type and activity codes for the case on which you are working AND ALSO write a “W” on the activity code line to indicate you were performing this work while waiting on another case.

For example, say you are waiting to talk to a client charged with a Class 2-3 Felony who is detained in lock-up, but while you wait you read some case law as part of your legal research in a capital case. The entry is as follows:

Case Type Code	Activity Code	Disposition Code	Start Time (Hours: Minutes)	Stop Time (Hours: Minutes)
1	105 W		9:30	9:50

X In-Court, Case-Related Activities

In-court activity is recorded differently from out-of-court activity. Because many in-court activities take less than 10 minutes to complete, we ask that you record each activity performed in court individually, regardless of its duration. (If several in-court activities are performed in succession, and it is impossible to record each as it occurs, you should record them retrospectively -- estimating their individual times as well as you can -- as soon as they have been completed.)

The only activity coded as “in-court activity” should be that which occurs between the time when the case is called into the record and when that matter is completed. (In other words, in-court activity occurs within the so-called “gavel to gavel” period).

If you spend time with your client in the court lock-up, converse with family members or the assistant district attorney in the corridor, talk to witnesses on the courthouse steps, etc., these activities should be recorded with Out-of-Court Case Related Activities Codes (codes 100-113).

Column 3: Disposition Code

If the activity you have recorded ended in a final disposition, indicate this fact by entering the appropriate disposition code from the choices listed on the back of the Daily Activity Log. No more than one disposition may be recorded on a single row of the Daily Activity Log, unless dispositions occur at Arraignment or other such times when numerous dispositions may occur in rapid succession. If this occurs, note the types of dispositions that took place during the proceeding, with the appropriate number of occurrences.

For example, if during Arraignment, the charges against two Class 2-3 Misdemeanor clients were dismissed, and three Class 1 Misdemeanor clients entered guilty pleas and were sentenced, you would record two entries:

Case Type Code	Activity Code	Disposition Code	Start Time (Hours: Minutes)	Stop Time (Hours: Minutes)
9	41	D 2	(Enter appropriate	time)
8	41	E 3	(Enter appropriate	time)

Only in an Arraignment-like situation, where multiple dispositions occur in rapid succession, should multiple dispositions appear on one line.

The disposition code column should be used only for final case dispositions. Do not record a disposition at plea or conviction if the sentencing occurs on a subsequent date. Also, when a client fails to appear, this is not considered a disposition.

Column 4: Start Time (Hrs:Min)

Enter the clock time that you started the activity. This time should be recorded to the nearest minute.

Column 5: Stop Time (Hrs:Min)

Enter the clock time that you stopped working on the activity, whether or not you actually completed the activity in question. As with the start time, you should record this time to the nearest minute.

Please do not leave gaps in time. For example, if you enter time for an activity occurring between 9:00 a.m. and 9:17 a.m., begin your next entry with 9:17 (not 9:18).

2.4 Practice Example

To see how these guidelines are put into practice in filling out the Daily Activity Log, consider the example of defender Sally Smith. Smith's first task upon arriving in the office is to hold a thirty-minute phone conference with a client who is charged with a felony, in preparation for the client's upcoming Preliminary Hearing. Following that, she spends 13 minutes walking to court.

To record this on the Daily Activity Log, Smith will first determine the type of felony and then choose the appropriate Case Type Code in accordance with that level of severity. For example, assume that Smith is representing the client on a Class 4-6 Felony charge. The Case Type Code written in the first column would be Code 6. If the client is on probation or parole, or if he has one or more prior convictions, a "P" would also be entered in the Case Type Column. For the thirty-minute phone call beginning at 8 a.m. and ending at 8:30 a.m., the Activity Code written in the second column of the Daily Activity Log would be Code 101, Client Related Contact. The Start Time would be recorded as 8:00 a.m. and the Stop Time recorded would be 8:30 a.m. There has been no disposition of this case so the Disposition Column would remain blank. The next entry would be for the travel time, as follows:

Case Type Code	Activity Code	Disposition Code	Start Time (Hours: Minutes)	Stop Time (Hours: Minutes)
6P	101		8:00	8:30
6P	113		8:30	8:43

Smith would continue this process for each activity throughout her day. It is essential that time be recorded throughout the day, because, due to the various duties required of defenders, an attorney may not be able to accurately "reconstruct" his or her time at the end of each day. It is also critical that attorneys record the date and their attorney number on the Daily Activity Log.

III. CASE TYPE CODES AND GUIDELINES

This section contains the case type codes that have been developed for the study, as well as guidelines to help use the codes correctly. The case type codes are designed to reflect major workload

determinants, that is, those factors which we have found consistently cause some cases to require more work than others.

In all, 39 case types are defined: seven felony case types, three misdemeanor case types, seven juvenile case types, four dependency case types, four mental health case types, and eight appeals case types. Six other case type codes (34-39) are also available, as is the non-case-related code (40), as discussed elsewhere in this document.

Case Type Codes

The workload measurement study employs 40 case type codes. All defender activities -- whether case-related or non-case related -- must be assigned one of these case type codes.

3.1 Adult Felony Case Type Codes

There are seven different case type codes for adult felony cases. The case type codes are based upon workload factors that reflect the amount of time that will be required to defend the case. The workload factors incorporated into the felony case types are as follows:

- X Potential or Actual Capital Case: These cases were classified separately due to the substantial amount of time required to defend them, in addition to the importance of potential for the death penalty. Each of these elements was perceived to increase the work required in handling various classifications of felonies, therefore the case types were grouped both by classification and according to these elements.
- X All Other Homicide Cases: These cases were classified separately due to the substantial amount of time required to defend them and the need to consider them independently from potential or actual capital cases. Vehicular homicides are included in this case type.
- X Dangerous Crimes Against Children Cases: These cases were classified separately due to the substantial amount of time required to defend them and their uniqueness from other felonies.
- X Class Felonies: These case type codes allow for different severity level classifications as set forth by Arizona statute. We have collapsed Class 2 felonies with Class 3 felonies based upon the consensus that the amount of effort put into these cases is about equal. Additionally, we have collapsed Class 4 felonies with Classes 5 and 6 felonies by the same reasoning.
- X DUI Cases: These cases were classified separately due to the substantial amount of time required to defend them and their uniqueness from other felonies.
- X Violation of Probation: These cases were classified separately due to their uniqueness from the other felony case types.

The following codes are available for felony cases:

Code 1: Potential or Actual Capital Case

Code 2:	All Other Homicide
Code 3:	Dangerous Crimes Against Children
Code 4:	Class 2-3 Felony
Code 5:	DUI
Code 6:	Class 4-6 Felony
Code 7:	Violation of Probation (without new charges).

For purposes of correctly recording time in a case involving numerous charges, record all time spent on the case by using the case type code for the top charge. For example, if you have a client charged with vehicular homicide, case type Code 2, and felony DUI, case type Code 5, you should code all work performed on the case with Code 2, All Other Homicide. If there is no homicide, capital or potential capital charge, there is one exception to this rule. If your client faces a Dangerous Crimes Against Children charge as one of multiple charges (e.g., sexual abuse and a class 2 felony), the DCAC charge, regardless of its severity, takes precedence and all activity with regard to this complaint will be coded with Case Type Code 3. **This is not the rule with homicides and actual or potential capital cases. Any homicide (Codes 1 and 2) trumps Dangerous Crimes Against Children (Code 3).**

3.2 Adult Misdemeanor Case Type Codes

There are three case type codes for adult misdemeanor cases:

Code 8:	Class 1
Code 9:	Class 2-3
Code 10:	DUI

As with adult felony cases, if a case includes multiple misdemeanor charges, you should code the case by the top charge. For example, if your client is charged with three misdemeanors, and one is Class 1 and two are either Class 2 or Class 3, you should code all time on the case as Class 1 (Code 8).

3.3 Juvenile Case Type Codes

There are seven case type codes for juvenile cases. The workload factors incorporated into the juvenile case types include the seriousness of the charge (felony, misdemeanor, incorrigible), the uniqueness of the charge (violation of probation and drug), and the complexity of the charge (DUI and sex crimes). The codes are as follows:

Code 11:	Juvenile Felony
Code 12:	Juvenile Misdemeanor

Code 13:	Juvenile DUI
Code 14:	Incorrigible
Code 15:	Violation of Probation
Code 16:	Sex Crimes
Code 17:	Drug

As with adult cases, if a single juvenile case involves two or more charges, always record the case type by the most serious charge. The exception to the rule is if your client faces multiple charges, one of which is a sex crime, use code 16 for all work performed on the case.

3.4 Dependency Case Type Codes

There are four case type codes for dependency cases:

Code 18:	Dependency
Code 19:	Severance
Code 20:	Guardianship
Code 21:	Dependency Appeal.

Workload factors and uniqueness of proceedings were considered when selecting these case type codes. Although each case begins as a dependency, it may also become a severance, guardianship, or an appeal. Thus, although they are not really separate “cases,” due to the various amounts of work involved in these different stages, separate case type codes were developed for these milestones. For example, time spent on a case in which a severance petition has been filed, preparing for and attending the severance hearing should be coded with the severance code (Code 19). Likewise, when work involves preparing for and attending a guardianship hearing, the guardianship case type code should be used (Code 20). The rest of the time, unless you are working on an appeal, the dependency case type code (Code 18) should be used, e.g., for all time working on the initial dependency determination, and once dependency is established, for work pertaining to report and review hearings, foster care review board hearings, etc.

SPECIAL NOTE ON RECORDING DEPENDENCY DISPOSITIONS:

Although a discussion of how to record dispositions follows in section V, it is important for dependency attorneys to know that they will be recording “dispositions” for dependency cases at the time of ASSIGNMENT or FILING. Due to the unique nature of dependency work, dispositions for dependency cases are filed differently than for adult and juvenile delinquency matters. When you are assigned a new dependency case, record

a disposition code (Code Q) at that time. Similarly, when a petition for severance or guardianship is filed, record Code R, Severance Filed, or Code T, Guardianship Filed, at that time, rather than at the completion of the work relating to the severance or guardianship.

3.5 Mental Health Case Type Codes

There are four case type codes for mental health cases. These case types were created in order to differentiate between the various matters that occur in mental health cases. The codes are as follows:

Code 22: Court Ordered Evaluation
Code 23: Annual Review
Code 24: Judicial Review
Code 25: LARC Matter.

3.6 Appeals Case Type Codes

These are appeals handled by the attorneys in the Public Defender's or Legal Advocate's appellate divisions. There are eight appeals case types:

Code 26: Felony Appeal
Code 27: Misdemeanor Appeal
Code 28: Juvenile Appeal
Code 29: Plea PCR
Code 30: Trial PCR
Code 31: Special Action (includes adult criminal, juvenile, mental health)
Code 32: Petition for Review
Code 33: Mental Health Appeal.

Anders v. Issues Briefs

In addition to the seven case types, the appellate attorney should add an "A" after the case type code when it is clear that an *Anders* brief will be filed and an "S" after the case type code when it is clear an issues brief will be filed. For example, if after reading the record in a felony appeal it becomes clear the case requires an *Anders* brief, the attorney should thereafter code all work on the case with "26A."

Continue to add the "A" or "S" to the case type code once the case becomes an *Anders* or Issues brief, including the time at which you record a disposition.

3.7 Other

There are seven additional case type codes for use with activities that cannot be assigned to one of the above case types.

- Code 34: Multiple Case-Related - Adult
This case type code is the one to use for recording time spent on multiple activity occurrences (same or different activities) which are related to more than one adult case type, and which cannot be recorded individually due to their short duration (for example, a series of brief telephone calls to clients with various types of felony cases).
- Code 35: Multiple Case-Related - Juvenile
This case type code is the one to use for recording time spent on multiple activity occurrences (same or different activities) which are related to more than one juvenile case type, and which cannot be recorded individually due to their short duration (for example, time spent at detention centers advising juveniles facing different charges -- misdemeanor, felony and/or, sex crime charges -- prior to filing of the cases).
- Code 36: Multiple Case-Related - Dependency
This case type code is the one to use for recording time spent on multiple activity occurrences (same or different activities) which are related to more than one dependency case type, and which cannot be recorded individually due to their short duration (for example, a series of brief telephone calls to several dependency clients).
- Code 37: Multiple Case-Related – Mental Health
This case type code is the one to use for recording time spent on multiple activity occurrences (same or different activities) which are related to more than one mental health case type, and which cannot be recorded individually due to their short duration (for example, a series of brief telephone calls to several mental health clients).
- Code 38: Multiple Case-Related – Appeals
This case type code is the one to use for recording time spent on multiple activity occurrences (same or different activities) which are related to more than one appeals case type, and which cannot be recorded individually due to their short duration (for example, a brief telephone conversation to the Attorney General regarding several appellate cases).
- Code 39: Trial Witness Representation
This case type code is the one to use when you have been assigned to represent a witness for trial.
- Code 40: Non-Case Related
This case type code is the one to use for all activities that are not related to a felony, misdemeanor, juvenile delinquency, mental health, dependency case or an appeal.

Guidelines for Using the Case Type Codes

There are a number of situations where there will be questions concerning which case type code is the appropriate one to use. The following guidelines are provided to assist participating attorneys in determining the appropriate case type code.

3.8 Guidelines for Determining Whether an Activity is Case-Related or Non-Case-Related

In determining which case type code to enter when recording an activity on the Daily Activity Log, an attorney first must decide whether the activity is case-related or not. "Case-related" and "Non-case-related" carry very specific meanings in the workload measurement study, and they are critical to the outcome of the study.

The following guidelines are to be used in determining whether an activity calls for a case-related case type code (Codes 1 - 39) or the non-case-related code (Code 40).

- X A "case" is defined as a juvenile, misdemeanor, felony, dependency/severance, mental health or appeal for which an appointment has been made to an indigent defense attorney.
- X If a defender performs an activity on his or her own case, the activity is always case-related. Likewise, if an attorney performs work on a case as part of a duty week assignment, that activity is case-related, even though the case may not be part of the attorney's individual caseload.
- X If an attorney performs work that is not related to a case, the activity is always coded as Non-Case Related, Code 40.
- X If an attorney performs a case-related activity for a colleague (for example, appearing at an arraignment), the activity is recorded as case-related, using the appropriate case type code.
- X If an attorney answers a colleague's question, or provides advice regarding a specific case, or prepares a case belonging to the colleague, that activity is considered to be supervision, even if the responding attorney is not by title a supervisor. The attorney answering the question should record the time as case related under the type of case discussed. The Activity Code used should be 108, Supervision.

The attorney asking the question records the activity as case-related, using Activity Code 106, Conference with Supervisor/Colleague.

3.7 Guidelines for Coding Multiple-Charge Cases

For all cases involving more than one charge in a single complaint, record the case type code that corresponds to the highest charge. There is one exception to this rule.

Regardless of the relative severity level of each charge contained in a criminal complaint or indictment, if one of the charges is Dangerous Crime Against Child, all activities carried out with regard

to this complaint will use Case Type Code 3, Dangerous Crimes Against Children. However, if a client is facing multiple felony charges that include a homicide or a potential or actual capital charge, the case type used will be Code 1 or 2.

Similarly, with juvenile cases, if a juvenile case involves a felony or misdemeanor charge and a sex crime charge, all activities performed with regard to this case will use Case Type Code 16, Juvenile Sex Crime.

If an attorney is appointed to represent the same client on multiple charges, each of which is charged by means of a separate complaint or indictment, then each of these would be considered as a separate case having its own appropriately corresponding Case Type Code. If at some point the charges are joined into one charging instrument, use the appropriate (highest charge) case type code.

3.8 Guidelines for Using the Multiple Case Related Case Type Codes (34-38): Multiple Case Related – Adult, Juvenile, Dependency, Mental Health, and Appeals

Case Type Codes 34-38, Multiple Case Related – Adult, Juvenile, Dependency, Mental Health and Appeals - are to be used for coding time spent on multiple activity occurrences, whether they are the same or different activities, when 1) the individual activities involved are related to more than one of the specific case types and 2) those activities have to be recorded on a single line of the Daily Activity Log, due to their short duration (less than 10 minutes).

The use of Codes 34-38 is to be limited because the use of the multiple case types code does not allow us to measure the amount of time spent on various types of cases. So, when time for multiple activities is recorded, if those activities are all related to the same case type, the specific case type code involved is to be used rather than Code 34, 35, 36, 37 or 38.

For example, if an attorney spends 15 minutes making telephone calls, all of which are related to various misdemeanor class 2 and 3 cases, then Code 9, Class 2-3 Adult Misdemeanor, is the appropriate case type code. If the phone calls relate to different types of cases and cover different activities, such as social services activity and a conference with the county attorney, then Case Type Code 34, Multiple Case Related – Adult, is used, and should be paired with Activity Code 125, Multiple, Short Activities.

Codes 34-38 are to be used when the following circumstances apply:

- X Multiple, short activity occurrences (under 10 minutes) are being recorded on one line of the Daily Activity Log; *or*
- X All of the activities involved are case-related, but the individual activities are related to different case types; *and*
- X All of the activities take place out of court. (All in-court activities, codes 41-85, have to be recorded individually, even if they take less than 10 minutes).

In terms of activity code/case type code pairings, Case Type Codes 34-38 can only be used with the following activity codes:

- X Out-of-Court Case-Related Activities (Codes 100-113); and
- X Multiple, Short Activities (Code 125) when the activities involved are case-related.

3.9 Guidelines For Coding Charge Reductions

When a charge is reduced, it is possible that the case type will change. This possibility raises the question of how to code that case on the Daily Activity Log, since it may begin the day as one case type and end the day as another. In order to code such occurrences consistently, the following guidelines are to be applied.

- X When in the course of one court appearance a charge is reduced and the case is disposed of at that appearance (e.g., a plea to a lower charge), record the case type code that corresponds to the *higher* charge, not the code corresponding to the new (lower) charge. If a client enters a plea of guilty to a lower charge but the sentencing is set for a later appearance, continue to use the higher charge for the activity relating to the sentencing.
- X If a charge reduction does not involve a disposition, but rather the case continues before the court on the lower charge, the initial case type code is applied to all activities up to and including the court appearance where the charge reduction takes place. However, any subsequent activities involved in working on that case are coded according to the lower charge.

IV. ACTIVITY CODES AND DEFINITIONS

This section describes the activity codes and definitions that have been developed for the study. These codes and definitions are intended to be comprehensive, encompassing all work performed by Maricopa public defense attorneys.

The activity codes are organized into the following sub-groupings:

- X Adult In-Court Case Related Activities;
- X Juvenile In-Court Case Related Activities;
- X Dependency In-Court Case Related Activities;
- X Mental Health In-Court Case Related Activities;
- X Appeals In-Court Case Related Activities;
- X Out-of-Court Case Related Activities;
- X Non-Case Related Activities; and
- X Other (Multiple, Short Activities).

4.1 Adult In-Court Activities

The activities described below are adult case-related, having to do with representing a client *in court*. These activities are only performed after the case has been called into the court record, during the so-called “gavel to gavel” time. Discussions before the case is called into the record in the corridors, outside the courthouse or in the court lockup would all be recorded as out-of-court case related activities (Codes 100-113).

Code 41: Initial Appearance/Arraignment/Bench Warrant

Time should be recorded here for all in-court activities that take place during an initial appearance, arraignment, or bench warrant proceeding. Use when a plea of not guilty is entered. If a plea of guilty is entered at this appearance, and sentencing takes place during the same proceeding, include that time here as well. (Please note that you will not be recording a disposition for a plea until or unless the sentencing also occurs.)

Code 42: Preliminary Hearing

This includes all time spent in court at a preliminary hearing after the case has been called into the record either to waive the preliminary hearing, proceed with the preliminary hearing or to set a subsequent court date.

Code 43: Release Hearing

This includes all time spent in court at a release hearing after the case has been called into the record.

Code 44: Pretrial Conference

Time should be recorded here for all in-court activities that take place during the pre-trial conference. If sentencing takes place during the same proceeding, include that time here as well.

Code 45: Rule 11 – Competency

This includes all time spent in court on any motions or hearings related to evaluating a client’s competency to stand trial.

Code 46: Settlement Conference

Time should be recorded here for all in-court activities that take place during the settlement conference. If a change of plea and sentencing takes place during the same proceeding, include that time here as well.

Code 47: Pretrial Motions/Special Action

Time should be recorded here for in-court time litigating any pretrial motions or a special action.

Code 48: Change of Plea

Time should be recorded here in-court time spent on a change of plea. If the client is also sentenced at this proceeding, include that time here as well.

Code 49: Continuance Panel

Time should be recorded here only for in-court, formal hearings in front of the continuance panel.

Code 50: Final Management Conference

Time should be recorded here for time spent in court at the final management conference. If a change of plea and sentencing takes place during the same proceeding, include that time here as well.

Code 51: Trial

Time should be recorded here for all in-court activities that take place during the trial. Trial is defined as that period of time starting with any discussion of preliminary matters, or the beginning of jury selection, or the announcement by the court that a bench trial is commencing, and ends at the time that a verdict is announced, a mistrial is declared, a plea is entered during trial, or a trial order of dismissal is granted. If the court hears any motions immediately before the trial, such as evidentiary motions, that time is included here. This code should also be used for sentencing, if it occurs immediately after a verdict is announced or a plea is entered. If the court takes a recess of more than 10 minutes, you should record the time as Code 111, Waiting in Court, unless you use the time to work on another specific case you are handling, in which case you should record the appropriate case type and activity and also write in a "W." If the recess is for lunch, use Code 117, Time Away From Work.

Code 52: Mitigation/Sentencing/Restitution

This category should be used when a hearing on mitigation, sentencing, or restitution occurs at a different time from when a plea is entered or a verdict announced.

Code 53: Probation Violation Hearing

Time should be recorded here for in-court hearings on probation violations. If a plea is entered and/or a sentencing occurs at the proceeding, that time should be included here as well.

Code 54: Drug/DUI Court

Time should be recorded here for in-court time on any proceeding in Drug/DUI Court.

Code 55: Court Ordered Reviews/Compliance Hearings

Time should be recorded here for time spent in court at court ordered reviews and compliance hearings.

Code 56: Court Coverage

Include all time spent on a court coverage shift. If, during the shift, you stand up for a sentencing, change of plea, etc., record that time with the appropriate code.

4.2 Juvenile In-Court Activities

The activities described below are juvenile case-related, having to do with representing a juvenile client *in court*. These activities are only performed after the case has been called into the court record, during the so-called “gavel to gavel” time. Discussions before the case is called into the record in the corridors, outside the courthouse or in the court lockup would all be recorded as out-of-court case related activities (Codes 100-113).

Code 60: Advisory

Use to record all time spent in court for an advisory. If a plea occurs at this proceeding, include that time here.

Code 61: Warrant Hearing

Use to record all time spent in court for a warrant hearing. If a warrant hearing addresses other matters, such as an advisory, include that time here as well.

Code 62: Mental Competency

Use to record all in-court time for proceedings related to mental competency.

Code 63: Pre-Adjudication

Use to record all in-court time at a pre-adjudication hearing. If a plea occurs, include that time here.

Code 64: Special Action/Pretrial Motions

Use to record time spent in court litigating any special action or pretrial motion.

Code 65: Transfer Hearing

Use to record time spent in court litigating a prosecutor’s motion to transfer a juvenile to adult court.

Code 66: Adjudication

Time should be recorded here for all in-court activities that take place during an adjudication. An adjudication is defined as that period of time starting with any

discussion of preliminary matters, or the announcement by the court that an adjudication is commencing, and ends at the time that a verdict is announced, a mistrial is declared, a plea is entered during adjudication, or a dismissal is granted. If the court hears any motions immediately before adjudication, such as evidentiary motions, that time is included here. This code should also be used for sentencing, if it occurs immediately after a verdict is announced or a plea is entered. If the court takes a recess of more than 10 minutes, you should record the time as Code 111, Waiting in Court, unless you use the time to work on another specific case you are handling, in which case you should record the appropriate case type and activity and also write in a “W.” If the recess is for lunch, use Code 117, Time Away From Work.

Additionally, a juvenile attorney may attend various post-adjudication hearings. The following juvenile case related in-court activity codes should be used for the following hearings:

Code 67: Disposition

Code 68: Restitution Hearing

Code 69: Probation Violation Hearing

Code 70: Detention Review Hearing

Code 71: Placement Review Hearing

Code 72: Status Review Hearing

Code 73: Drug Court

4.3 Dependency In-Court Activities

The activities described below are dependency case-related, having to do with representing a child or parent on a dependency case *in court*. With the exception of mediation, these activities are only performed after the case has been called into the court record, during the so-called “gavel to gavel” time (although mediation is not held before a judge, it is considered in-court activity for this study).

Discussions before the case is called into the record in the corridors, outside the courthouse or in the court lockup would all be recorded as out-of-court case related activities (Codes 100-113).

Code 74: Hearing

This code should be used for in-court hearings on a dependency case, whether or not it has become a severance or guardianship. A hearing is defined as an in-court proceeding before a judge or magistrate in which no witnesses have been sworn. Any time spent on a court hearing that not does fall within the parameters of Dependency In-Court Activity

Codes 75-79 should be given this code (e.g., permanency planning hearings or annual reviews).

Code 75: Mediation/Preliminary Protective Conference

Code 76: Trial

This code should be used for all in-court proceedings in which one or more witnesses are sworn. This includes a full trial on a dependency, severance or guardianship issue, as well as any in-court hearing that becomes an evidentiary hearing once a witness is sworn. If the court takes a recess of more than 10 minutes during the proceeding, you should record the time as Code 110, Waiting in Court, unless you use the time to work on another specific case you are handling, in which case you should record the appropriate case type and activity and also write in a "W." If the recess is for lunch, use Code 117, Time Away From Work.

Code 77: Report and Review

Code 78: Foster Care Review Board

Code 79: CPS Staffing

4.4 Mental Health In-Court Activities

The activities described below are mental health case-related, having to do with representing a client on a mental health case *in court*. These activities are only performed after the case has been called into the court record, during the so-called "gavel to gavel" time. Discussions before the case is called into the record in the corridors, outside the courthouse or in the court lockup would all be recorded as out-of-court case related activities (Codes 100-113).

Code 80: COE Hearing

Use to record time spent at in-court hearings on court-ordered evaluations.

Code 81: Motion/Special Action

Use to record any in-court hearings on motions that do not fall within the parameters of any other Mental Health In-Court Activity Code.

Code 82: COT Hearing/Submission/Review

Use to record time spent at in-court hearings on court-ordered treatment, submissions, and review hearings other than an annual review (Code 83) or a judicial review (Code 84).

Code 83: AR Hearing

Use to record time spent in court at annual review hearings.

Code 84: JR Hearing

Use to record time spent in court at judicial review hearings.

Code 85: LARC Matter

Use to record time spent in court hearings on a Local Alcohol Reception Center (LARC) matter.

4.5 Appeals In-Court Activities

The activities described below are related to appellate cases, having to do with representing a client on an appeal *in court*. These activities are only performed after the case has been called into the court record, during the so-called “gavel to gavel” time. Discussions before the case is called into the record in the corridors, outside the courthouse or in the court lockup would all be recorded as out-of-court case related activities (Codes 100-113).

Code 90: Oral Argument

This code should be used for time spent at all in-court oral arguments. If the court takes a recess of more than 10 minutes during the proceeding, you should record the time as Code 111, Waiting in Court, unless you use the time to work on another specific case you are handling, in which case you should record the appropriate case type and activity and also write in a “W.” If the recess is for lunch, use Code 117, Time Away From Work.

Code 91: Evidentiary Hearing

This code should be used for time spent at evidentiary hearings. Code recesses as described above.

4.6 Out-of-Court, Case-Related Activities

The following activities are typically performed in connection with representing a client outside of court in any case type. They are defined as out-of-court activities because they are not performed before a judge in court.

Code 100: Investigation

Includes all attorney activities relating to conducting an investigation or making a request for investigation prior to a court hearing or trial. Includes interviewing witnesses, viewing the scene and evidence, checking criminal histories, and fact verification. Includes time spent preparing an investigation request and any accompanying materials (for example, making copies of case file contents) and time spent working with investigator staff.

Code 101: Client Related Contact

Includes any in-person, telephone or written discussions with the client, client's friends or the client's family. Includes contact in office, jail, detention center, court holding pen, correctional facility, home, hospital or other placement. Includes all conferences with the client prior to the beginning of hearings or trial. Includes all letters to clients.

Code 102: Case Preparation

Includes all time spent out of court on case preparation activities that do not relate directly to other Out-of-Court codes. This activity encompasses a wide variety of case preparation tasks, including, but not limited to, the following:

- X motions,
- X work on special actions,
- X subpoenas,
- X discovery,
- X witness preparation, including discussions with expert witnesses,
- X work with interns or legal assistants,
- X work with interpreters,
- X telephone calls,
- X correspondence that does not fall under any other out-of-court activity code (i.e., that does not involve contact with a client, social services worker, adverse attorney, etc.)
- X contact with probation and/or law enforcement officers,
- X working on case strategy (for example, considering alternative strategies, taking notes),
- X calendaring cases, and
- X reviewing the case file.

Be sure to only record your own activities on each line of the log and not that of anyone else working with you or for you.

Code 103: Case Related Administration

In developing the activity categories for the Daily Activity Log, attorneys expressed concern over the amount of time spent performing administrative tasks on their cases. Therefore, this time should be recorded separately from case preparation. Case-related administrative work includes case-associated clerical tasks such as filing, copying, typing, mailing, and closing cases.

Code 104: Social Services Activity

Includes all attorney activity involving social services relating to disposition of a client's case, such as identifying incarceration or placement alternatives, or arranging for preparation of pre-sentence or pre-plea reports. This activity code will most commonly be used in conjunction with juvenile, dependency, and mental health cases, but is not

restricted to these cases. Includes time spent corresponding with social services workers. Includes time spent working with staff social workers on social service issues.

Code 105: Legal Research

Includes time spent conducting legal research for a specific client's case. Includes time spent in the office library, in outside law libraries, searching the internet or database on legal issues, and reading legal research material. Does not include general legal research unrelated to a specific case, such as reading advance sheets, which should be recorded as Non-Case Related Activity Code 115, Professional Development.

Code 106: Conference With Supervisor/Colleague

Includes any in-person, telephone, or written discussion with a supervisor or colleague regarding a specific client's case. This includes conversations that take place when an attorney is arranging to have a colleague cover his or her cases in court. It also includes pre-trying cases. However, this code is not for use by persons providing supervision or who are observing a case being pre-tried. Supervision would be coded by using the appropriate case type with Activity Code 108, Case-Related Supervision. This code also does not include general, non-case specific discussions with supervisors or colleagues on legal matters or strategies, which are recorded as Non-Case Related Activity Code 115, Professional Development.

For dependency attorneys, this includes conversations with case service coordinators, unless such conversations are sufficiently related to social services, in which case they would be coded under Code 104, Social Services Activity.

Code 107: Conference with County Attorney/Attorney General, Adverse Attorneys, Probation/Parole Officers or Court Personnel

Includes time spent in person, on the telephone, or in written communication out of court with a representative of the County Attorney's Office, the Attorney General's Office, or the probation/parole department. Includes time spent in conference with such a person inside a courtroom, providing that the conference does not take place after the case has been called into the record. Also includes contact with opposing or other counsel (e.g., a parent's attorney talks with a child's attorney). Includes contact with GAL for your client.

This activity code also includes conferences with a judge, clerk of courts, or other court personnel so long as the case has not been called into the record.

Code 108: Case Related Supervision

This code encompasses all time devoted to supervision provided to attorneys that is case-related. The code should be used by the person providing the supervision, whether or not he or she is designated by title as a supervisor. For instance, this code would be used by an attorney critiquing another colleague who is pre-trying a case.

Code 109: Appeals: Brief Writing

Includes time spent preparing appellate briefs, including opening, reply, supplemental, *Anders* and issues briefs.

Code 110: Appeals: Record/Transcript Review

Includes time spent reviewing the record and transcript for appeal.

Code 111: Waiting in Court

The recording of waiting time will be handled differently depending on whether it is “productive” or “non-productive” waiting time.

X All waiting time in court that is not spent doing other productive work is to be recorded as Code 111, Waiting in Court. Each block of waiting time should be a separate line item on the Daily Activity Log, with its start and stop times recorded. This method of recording is used for court and correctional facility waiting regardless of whether one case or multiple cases are involved. However, if you are not simply waiting, but instead are performing case-related work either for the case(s) on which you are waiting or any other cases, you do not use a Waiting code, but rather, use the appropriate case type and activity codes, and also write in a “W” following the activity code. If the waiting corresponds to one particular case, then record the appropriate Case Type Code with the Waiting in Court Activity Code 111.

X If the waiting is related to multiple cases, use one of the Multiple Case-Type, Case Related Codes (34-38).

If you spend your waiting time doing a professional development activity, such as reading advance sheets, enter Case Type Code 40, Non-Case Related, with Activity Code 115, Professional Development Activities, followed by a “W.”

Code 112: Waiting at Jail/Correctional Facility

Use this code for waiting time at the jail, prison, detention center or other lock-up facility following the above guidelines for Code 111, Waiting in Court.

Code 113: Case Related Travel

Use the following guidelines for recording travel time:

X Travel to and from court (including travel between different courts) and travel to and from correctional facilities is always recorded as Code 113, Travel Time, with start and stop times noted. As with waiting time, this method of recording is used for instances where just one case is involved as well as for instances involving multiple cases.

X If the travel corresponds to one particular case, then record the appropriate Case Type Code with the Travel Time Activity Code.

- X If the travel time relates to multiple cases, use the Multiple Case Type Case-Related Codes (34 - 38).
- X If travel is not case-related, for example, travel time to and from a doctor's appointment, do not use the travel code. Use the Time Away From Work Code (Code 117).

Time spent traveling at the beginning or end of the work day is to be recorded according to the following guidelines.

- X **Commuting**

Time spent commuting between one's home and office is not considered to be part of the work day, and is not recorded. Similarly, time spent commuting from the office to home is also not recorded.
- X **Case-Related Travel**

If an attorney travels from home to a site other than the office as part of his or her Defender duties (to a correctional facility, or to the County Attorney's office or the Attorney General's office, for example) that time should be recorded as travel time.

4.5 Non-Case Related Activities

The activities listed in this section are defined as non-case-related. They are all related to activities that defenders are now or should be doing. An objective of the study is to grant attorneys "credit" for performing activities beyond their extensive case work. In coding these activities, always use Case Type Code 40, Non-Case Related.

Code 115: Professional Development

This code includes a variety of activities that relate to the professional development of defenders. Examples include the following:

- X Observation of a trial or other court proceeding;
- X Supervision of a law intern;
- X Conferring with supervisors or colleagues regarding cases *generally* or regarding the policies of the courts or County Attorney's or Attorney General's Office; and
- X Reading advance sheets or other legal publications. (Such reading does not include researching a specific case, which is recorded under Activity Code 105, Legal Research).

Code 116: Non-Case Related Administrative Activities

This code includes all time spent on *non-case-related* activities that are primarily administrative in nature. Specific activities include the following:

- X Completing the Daily Activity Log,
- X Attending office or other meetings, and

- X Administrative and non-case-related supervisory duties of Trial Group or other Attorney Supervisors.

Note that if you spend time, for example, typing a letter or filing case files, although the nature of this work is administrative or clerical, if it is related to a case or cases, it should be coded with the appropriate case type code, Code 103, Case Related Administration, not Code 116.

Code 117: Time Away From Work

This code includes any time during the course of the work day that the attorney is not working. Use this code to indicate time not working during the work day, whether for the whole day or part of the day, due to:

- X lunch or other breaks
- X doctor's appointments
- X sick time
- X vacation
- X holidays
- X leave time (bereavement, military, maternity, paternity, or child care leave, and any other leaves of absence).

This code is also used to record periods of time during the recorded day that were spent away from work. This refers to time periods that occur between the initial Start Time on a Log and the last Stop Time on the same Log. The following are the most frequent instances of such time:

- An attorney might work after normal hours. If an attorney leaves work at 5:00 p.m. and takes work home, but does not resume work until 8:00 p.m., the three hours from 5:00 to 8:00 should be recorded using Activity Code 117 paired with Case Type Code 40, Non-Case Related.

- A single Activity Log should only be used to record activities performed on a single date. As a result, if an attorney worked in court, in the office or at home later than 12 a.m., those hours after 12 a.m. would be recorded on a new Activity Log. When the attorney starts work the next morning, the same Log will be used, recording the gap of time with Case Type Code 40 and Activity Code 117.

For contract attorneys, this code is used to reflect time spent on cases outside the scope of their contract (i.e., retained cases).

Code 118: Training/Mentoring

This code is to be used both by those individuals attending training sessions and those presenting training. Also included here is time spent mentoring newer attorneys on issues that are not related to a specific case.

Code 119: Community Service

This code should be used when, as a representative of the office, an attorney participates in a community service or public education activity, such as meeting with school children, making presentations to bar association groups, responding to requests from information from law professors, etc.

4.6 Multiple, Short Activities

This final activity code, Code 125 Multiple, Short Activities, is employed to record time spent on multiple activities that cannot be individually recorded on the Daily Activity Log due to their short duration and quick succession. Such activities should be recorded on a single line of the Daily Activity Log, as explained in the Instructions for Completing the Daily Activity Log.

Use of Code 125 for multiple activity recording should be limited to instances where the following circumstances apply:

- X The multiple activities occur in succession, and each of them is less than 10 minutes in length;
- X All of the activities take place out of court (in-court activities have to be recorded individually regardless of their duration); and
- X The individual activities involved are different from each other (that is, they could not be recorded collectively using any of the other activity codes).

For example, an attorney might spend a half-hour working on a single case, but performing several different activities, none of which lasts more than 10 minutes. Let's say at 3:00 p.m. an attorney with a Class 2-3 Felony begins re-reading the police report. After eight minutes, he realizes something he did not previously notice regarding the crime scene so calls the investigator assigned to the case. The call lasts seven minutes. The investigator agrees with the attorney, who then calls his client to double-check the point. This call lasts eight minutes. The attorney spends the next seven minutes reviewing the case file. The are two correct ways to record this activity. The best approach is the first one.

CORRECT:

Case Type Code	Activity Code	Disposition Code	Start Time (Hours: Minutes)	Stop Time (Hours: Minutes)
4	102		3:00	3:08

4	100		3:08	3:15
4	101		3:15	3:23
4	102		3:23	3:30

ALSO CORRECT BUT LESS DESIRABLE:

Case Type Code	Activity Code	Disposition Code	Start Time (Hours: Minutes)	Stop Time (Hours: Minutes)
4	125		3:00	3:30

On the other hand, if you perform multiple activities on one case or several cases that are all the same case type, all of which correspond to a single activity code, that code would be used. For example, if an attorney spent a half-hour calling juvenile clients, all of whom are charged with juvenile misdemeanors, Code 101, Client Related Contact, would be the correct activity code and Code 12, Juvenile Misdemeanor, would be the correct case type code. There would be no need to use Code 125.

When Code 125 is employed, any one of the case type codes might be appropriate. For example:

- X If all of the activities are related to the same case type (for example, Class 2-3 Felony), then that case type code (Code 4) should be used.
- X If all of the activities are case-related, but different case types are involved, then they should be coded as Multiple Case Type Case-Related (Codes 34-38).

V. DISPOSITION CODES

Finally, we cannot overstate the importance of recording all case dispositions that occur during the study period. For all cases but dependency cases, the Disposition Codes (B-W) should be written in the Disposition Code Column *when the client's case is finalized*. **In a case where a sentence will be imposed, the disposition should be recorded when the sentencing takes place, not at the plea or conviction stage.** If a client is facing multiple charges, the corresponding case type used with the disposition code should reflect disposition of the most serious charge. If you represent a client with multiple cases, enter disposition codes for each of the cases separately. In *capital* cases, where there are two counsel, if a disposition is reached during the course of the time study, only the lead attorney should record a disposition code.

Dependency cases are tracked differently, using new assignments or filings rather than dispositions. When you are assigned a new dependency case, record a disposition code (Code Q) at that time. Similarly, when a petition for severance or guardianship is filed, record Code R, Severance Filed, or Code T, Guardianship Filed, at that time, rather than at the completion of the work relating to the severance or guardianship. Note, however, dependency appeals case outcomes are recorded like other appeals cases, at the time of the outcome.

5.1 Disposition Codes

The following general disposition codes may apply to criminal and other case types.

B: Withdrawal

C: TASC Diversion/Deferred Prosecution

D: Dismissed

This code should be used when a case is dismissed. It applies to the following case types: adult criminal, juvenile, dependency, and mental health.

E: Sentence Following Plea

Use this code at the time of sentencing. If the plea occurs at a separate proceeding, wait until the client is sentenced to code this disposition. This code applies to any type of sentence on an adult case, including jail, prison, deferred prison, and probation.

F: Trial - Acquitted/Sentenced Following Trial

Use this code for any case that goes to trial. If the defendant is acquitted, use this code at the time of acquittal. If the defendant is convicted and the sentencing occurs at a later date, wait until the client is sentenced to code this disposition. This code applies regardless of the type of sentence received.

G. Guilty Except Insane

Use this code when a defendant is found guilty except insane.

H. Probation Violation: Revoked/Reinstated

Use this code at the time when the court orders that probation be revoked or reinstated on a probation violation.

J. Diversion

Use in adult and juvenile cases.

K. Other

5.2 Special Disposition Codes

These codes should be used by juvenile, dependency, mental health, and appellate attorneys.

Juvenile Dispositions

L. Acquittal at Adjudication/Disposition

Use this code at the time of adjudication on a juvenile case, whether the adjudication occurs as the result of a plea or contested hearing.

M. Adult transfer

Use this code when a case is transferred to adult court.

N. Transfer to Another Jurisdiction

Use this code when a juvenile case is transferred to another jurisdiction.

Dependency Dispositions

Q. New Dependency Filed

R. Severance Filed

T. Guardianship Filed

U. Dependency/Severance Appeal: Affirmed/Reversed/Remanded/Modified

Use this code to record the outcome of an appeal on a dependency case.

Appeals Dispositions:

V. Affirmed/Reversed/Remanded/Modified or Special Action Decision

Use this code to record decisions on appellate motions, including decisions on petitions for review.

W. PCR: Petition Denied/Relief Granted

Mental Health Dispositions

- X. Ordered for Treatment/Release from Evaluation/Not Evaluated/Legal Guardian
 Appointed

ADDENDUM

In light of the feedback from attorneys participating in training sessions for the case-weighting study, there are several changes to note.

FOR ALL ATTORNEYS:

If you work on a case that requires an INTERPRETER to communicate with your client, please add an “X” after the case type code. Continue to enter the “X” for all work performed on that case, including the work that results in the disposition.

FOR ALL TRIAL ATTORNEYS:

If you have a client with a probation violation other than a technical violation (i.e., a new charge) you’ll enter TWO disposition codes at the resolution of the case: the code for the new charge AND code H, probation violation: revoked/reinstated.

FOR DEPENDENCY CONTRACT ATTORNEYS:

If you are assigned as a GAL to a domestic relations case as part of your dependency contract, please enter case type code 18 followed by a “G.” Also enter a “Q” in the disposition column at the time of assignment. Continue to use case type code 18G for all work performed as the GAL.

If you are assigned as a GAL in a juvenile delinquency case, enter case type code 18 followed by a “P.” Also enter a “Q” in the disposition column at the time of assignment. Continue to use case type code 18P for all work performed as the GAL.

FOR ALL ATTORNEYS:

Contract attorneys should mail their completed timesheets on a weekly basis to: ‘

David Newhouse
7640 SW Cedarcrest Street
Tigard, OR 97223

Note: Any attorney – whether Contractor, Public Defender, Legal Defender, or Legal Advocate -
- may mail their timesheets directly to David.